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SENATE

{ REPORT
110-94

EIGHTMILE WILD AND SCENIC RIVER ACT

JUNE 26, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 553]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 553) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 553 is to designate approximately 25 miles of the Eightmile River and its tributaries in Connecticut as a component of the National Wild and Scenic Rivers System, to be administered by the Secretary of the Interior.

BACKGROUND AND NEED

The Eightmile River is located in the lower Connecticut River watershed in south central Connecticut. Its name comes from the fact that the river is located eight miles from the mouth of the Connecticut River. Fifteen miles of the Eightmile River and its East Branch through the communities of Lyme, East Haddam, and Salem, Connecticut are included on the National Park Service's Nationwide Rivers Inventory of potential wild and scenic river segments. Both segments are included on the inventory for outstanding scenic, geologic, fish and wildlife values. In addition to those values, the river has outstandingly remarkable water quality, hydrologic and cultural resource values. Over eighty percent of the Connecticut River watershed is still forested, including large tracts

of unfragmented hardwood forests that are home to a diverse assemblage of plants and animals including bobcats, Great Horned Owls, red foxes, and the Cerulean Warbler.

Public Law 107–65, the Eightmile Wild and Scenic River Study Act of 2001, authorized a study of the Eightmile River for potential inclusion in the National Wild and Scenic Rivers System. As a part of the study, the National Park Service worked with the communities of Lyme, East Haddam, and Salem, Connecticut, the State of Connecticut, and local conservation interests to study the natural and cultural resources of the Eightmile River and develop a management plan to conserve those special values. The resulting Eightmile River Watershed Management Plan was brought before special town meetings in each of the communities and was overwhelmingly supported by the public, as was the plan’s recommendation for Wild and Scenic River designation.

While the final version of the study is still under review in the Department of the Interior, it has preliminarily concluded that the proposed segments of the Eightmile River and its tributaries are eligible for inclusion into the National Wild and Scenic Rivers System because of their free-flowing nature and outstandingly remarkable scenic, geologic, fish and wildlife values.

S. 553 would implement the environmentally preferred alternative contained in the draft study report. The report highlights a watershed ecosystem that is unique within the State of Connecticut in terms of its intact hydrology, water quality and ecosystem health. The National Park Service has indicated that it does not anticipate making any changes in the study recommendations based on public comments.

Once designated, the Eightmile River will be administered as a partnership wild and scenic river, similar to other recent designations in the northeast, including the Farmington River in Connecticut and the Musconetcong River in New Jersey. This approach emphasizes local and state management solutions, and has proven effective as a means of protecting outstandingly remarkable natural, cultural and recreational resource values without the need for direct Federal management or land acquisition.

LEGISLATIVE HISTORY

S. 553 was introduced by Senators Dodd and Lieberman on February 12, 2007. The Subcommittee on National Parks held a hearing on the bill on May 15, 2007.

At its business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered S. 553 to be favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 23, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 553.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Eightmile Wild and Scenic River Act.”

Section 2(a) contains congressional findings.

Subsection (b) defines key terms used in the bill.

Subsection (c) amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate approximately 25 miles of the Eightmile River in Connecticut as part of the National Wild and Scenic River System. The river segments would be designated as “scenic rivers” under the Wild and Scenic Rivers Act.

Subsection (d) states that the Secretary of the Interior shall manage the Eightmile River in accordance with Eightmile River Watershed Management Plan prepared by the Eightmile River Wild and Scenic Study Committee.

Subsection (e) provides that the Secretary shall coordinate management responsibilities for the river with the Eightmile River Coordinating Committee.

Subsection (f) authorizes the Secretary to enter into cooperative agreements with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, and appropriate local planning and environmental organizations.

Subsection (g) clarifies that notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be considered as part of the National Park System and not subject to National Park Service regulations.

Subsection (h) provides that local zoning ordinances in effect as of December 8, 2005, shall satisfy the requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)). The subsection also prohibits acquisition of land by condemnation and limits Federal acquisition to purchase from willing sellers or by donation.

Subsection (i) recognizes several named tributaries of the Eightmile River as integral to the protection and enhancement of the Eightmile River watershed, in furtherance of the watershed approach to resource protection and enhancement set out in the management plan.

Subsection (j) authorizes the appropriation of such sums as are necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 553, the Eightmile Wild and Scenic River Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

S. 553—Eightmile Wild and Scenic River Act

S. 553 would designate a 25-mile portion of the Eightmile River in Connecticut as a scenic river under the Wild and Scenic Rivers Act. Based on information provided by the National Park Service, CBO estimates that the proposed designation would not significantly affect the agency's administrative or land-management costs, which are subject to appropriation. Enacting S. 553 would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On May 11, 2007, CBO transmitted a cost estimate for H.R. 986, the Eightmile Wild and Scenic River Act, as ordered reported by the House Committee on Natural Resources on May 2, 2007. The two bills are very similar, and the cost estimates are identical.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 553. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 553, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the May 15, 2007 Subcommittee hearing on S. 553 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee today to discuss the views of the Department of the Interior on S. 553, a bill to amend the Wild and Scenic Rivers Act by designating segments of the Eightmile River and its tributaries as components of the Wild and Scenic Rivers System.

The Department supports enactment of this legislation.

S. 553 would designate 25.3 miles of the Eightmile River and its tributaries as part of the Wild and Scenic Rivers System, administered by the Secretary of the Interior. The River would be managed in accordance with the Eightmile River Watershed Management Plan with the Secretary coordinating with the Eightmile River Coordinating Committee. The bill authorizes the Secretary to enter into cooperative agreements with the State of Connecticut, the towns of Lyme, East Haddam, and Salem, Connecticut,

and appropriate local planning and environmental organizations.

The Eightmile River is located in the lower Connecticut River watershed in south central Connecticut. Its name comes from the fact that the river is located eight miles from the mouth of the Connecticut River. Fifteen miles of the Eightmile River and its East Branch through the communities of Lyme, East Haddam, and Salem, Connecticut are included on the National Park Service's Nationwide Rivers Inventory of potential wild and scenic river segments. Both segments are included on the inventory for outstanding scenic, geologic, fish and wildlife values. In addition to those values, the draft report also documents outstandingly remarkable water quality, hydrologic, and cultural resource values. Over eighty percent of the Connecticut River watershed is still forested, including large tracts of unfragmented hardwood forests that are home to a diverse assemblage of plants and animals including bobcats, Great Horned Owls, red foxes, and the Cerulean Warbler.

P.L. 107-65, the Eightmile Wild and Scenic River Study Act of 2001, authorized a study of the Eightmile River for potential inclusion in the Wild and Scenic Rivers System. As a part of the study, the National Park Service worked with the communities of Lyme, East Haddam, and Salem, Connecticut; the State of Connecticut; The Nature Conservancy; and local conservation interests to study the natural and cultural resources of the Eightmile River and develop a management plan to conserve those special values. The resulting Eightmile River Watershed Management Plan (December, 2005) was brought before special town meetings in each of the communities and was overwhelmingly supported by the public, as was the plan's recommendation to seek Wild and Scenic River designation. While the study is still under final Departmental review, it has preliminarily concluded that the proposed segments of the Eightmile River and its tributaries are eligible for inclusion into the National Wild and Scenic Rivers System because of their free-flowing nature and outstandingly remarkable scenic, geologic, fish and wildlife values.

S. 553 would implement the environmentally preferred alternative contained in the draft study report, which was released for public review and comment in July 2006. This draft report highlights a watershed ecosystem that is unique within the State of Connecticut in terms of its intact hydrology, water quality and ecosystem health. The commitment of local, state and nongovernmental partners is also exemplary. Having already been through a local town meeting process, only one comment was received on the draft report—a letter of support from the State Park Director for the State of Connecticut. Consequently, while the study and the accompanying Finding of No Significant Impact (FONSI) document has not been finalized, the National Park Service does not anticipate making any

changes in the study recommendations based on public comments.

If S. 553 is enacted, the Eightmile River will be administered as a partnership wild and scenic river, similar to other recent designations in the northeast, including the Farmington River in Connecticut and the Musconetcong River in New Jersey. This approach emphasizes local and state management solutions, and has proven effective as a means of protecting outstandingly remarkable natural, cultural and recreational resource values without the need for direct federal management or land acquisition.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 553 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

(Public Law 90-542; Approved October 2, 1968)

[16 U.S.C. 1271 et seq.]

An Act To provide a National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

* * * * *

SEC. 3(a). The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(167) *WHITE SALMON RIVER, WASHINGTON.*—

* * * * *

(168) *BLACK BUTTE RIVER, CALIFORNIA.*—

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[(167)] (169) *MUSCONETCONG RIVER, NEW JERSEY.*—

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(170) *EIGHTMILE RIVER, CONNECTICUT.*—*The following segments in the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior:*

(A) *The 10.8-mile segment of the main stem of the Eightmile River, from Lake Hayward Brook to the Connecticut River at the mouth of Hamburg Cove, as a scenic river.*

(B) *The 8.0-mile segment of the East Branch of the Eightmile River from Witch Meadow Road to the main stem of the Eightmile River, as a scenic river.*

(C) *The 3.9-mile segment of Harris Brook from the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to the East Branch of the Eightmile River, as a scenic river.*

(D) *The 1.9-mile segment of Beaver Brook from Cedar Pond Brook to the main stem of the Eightmile River, as a scenic river.*

(E) *The 0.7-mile segment of Falls Brook from Tisdale Brook to the main stem of the Eightmile River at Hamburg Cove, as a scenic river.*

